

Effective 5/12/2015

53-3-220 Offenses requiring mandatory revocation, denial, suspension, or disqualification of license -- Offense requiring an extension of period -- Hearing -- Limited driving privileges.

(1)

- (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or disqualification, the division shall deny, suspend, or disqualify the license of a person upon receiving a record of the person's conviction for:
 - (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or automobile homicide under Section 76-5-207 or 76-5-207.5;
 - (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
 - (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
 - (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
 - (v) any felony under the motor vehicle laws of this state;
 - (vi) any other felony in which a motor vehicle is used to facilitate the offense;
 - (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
 - (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
 - (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required in Section 41-6a-210;
 - (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
 - (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;
 - (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
 - (xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517;
 - (xiv) until July 30, 2015, operating or being in actual physical control of a motor vehicle while having any alcohol in the person's body in violation of Section 53-3-232;
 - (xv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;
 - (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;

- (xvii) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; or
- (xviii) custodial interference, under:
 - (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless the court provides the division with an order of suspension for a shorter period of time;
 - (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless the court provides the division with an order of suspension for a shorter period of time; or
 - (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless the court provides the division with an order of suspension for a shorter period of time.
- (b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:
 - (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or
 - (ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
- (c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for:
 - (i) any violation of:
 - (A) Title 58, Chapter 37, Utah Controlled Substances Act;
 - (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
 - (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
 - (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
 - (ii) any criminal offense that prohibits:
 - (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsection (1)(c)(i); or
 - (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).
- (d)
 - (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:
 - (A) an order from the sentencing court requiring that the person's driver license be suspended; and
 - (B) a record of the conviction.
 - (ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.
- (e)
 - (i) The division shall immediately suspend for one year the license of a person upon receiving a record of:
 - (A) conviction for the first time for a violation under Section 32B-4-411; or
 - (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.
 - (ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:
 - (A)
 - (I) conviction for a second or subsequent violation under Section 32B-4-411; and

- (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or
- (B)
 - (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411; and
 - (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.
- (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
 - (A) for a conviction or adjudication described in Subsection (1)(e)(i):
 - (I) impose a suspension for one year beginning on the date of conviction; or
 - (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or
 - (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
 - (I) impose a suspension for a period of two years; or
 - (II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.
- (iv) Upon receipt of the first order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if ordered by the court in accordance with Subsection 32B-4-411(3)(a).
- (v) Upon receipt of the second or subsequent order suspending a person's driving privileges under Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
- (2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:
 - (a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;
 - (b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;
 - (c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or
 - (d) a report of an accident in which the person was involved as a driver.
- (3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.
- (4)
 - (a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:
 - (i) automobile homicide under Subsection (1)(a)(i);
 - (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c); and
 - (iii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502,

41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

- (A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;
 - (B) the division receives written verification from the person's primary care physician that:
 - (I) to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and
 - (II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and
 - (C) for a period of one year prior to the date of the request for a limited driving privilege:
 - (I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;
 - (II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and
 - (III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.
- (b)
- (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):
 - (A) is limited to when undue hardship would result from a failure to grant the privilege; and
 - (B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
 - (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):
 - (A) is limited to when the limited privilege is necessary for the person to commute to school or work; and
 - (B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.
- (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

Amended by Chapter 165, 2015 General Session